

COUNTY OF YORK

MEMORANDUM

DATE: August 13, 2003 (BOS Mtg. 8/19/03)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-619-03, Daniel and Lorinda Forrest

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (category 2, number 8) of the York County Zoning Ordinance, to authorize the commercial use of an existing stable on approximately 16 acres located on the south side of Yorktown Road (Route 706), approximately one half mile east of its intersection with Hampton Highway (Route 134). This parcel is further identified as Assessor's Parcel No. 30-181.

DESCRIPTION

- Property Owner: Daniel and Lorinda Forrest
- Location: 516 Yorktown Road (Route 706)
- Area: Approximately 16 acres
- Frontage: Approximately 375 feet on Yorktown Road (Route 706)
- Utilities: Public water and septic
- Topography: Flat
- 2015 Land Use Map Designation: Low-Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Single-family detached residence and accessory farm-related buildings.
- Surrounding Development:
 - North: Single-family residential (across Yorktown Road)
 - East: None
 - South: Single-family residential (Tabb Terrace Subdivision) & Vacant/Forested
 - West: Single-family residential (Tabb Terrace Subdivision)

- Proposed Development: Commercial use of existing stables for boarding a maximum of seven horses. No additional development is proposed.

CONSIDERATIONS/CONCLUSIONS

1. This application is for 16 acres of land located on the south side of Yorktown Road and one half mile east of its intersection with Hampton Highway. The applicant is requesting a Special Use Permit to allow for the continued boarding (for compensation) of seven horses on his property. This application is the result of a notice of zoning violation that was issued on June 6, 2003 by the Division of Development and Compliance. Commercial stables are allowed in the RR district (Rural Residential) only by Special Use Permit. According to the applicant, the subject stable was originally built in 1962. The applicant has stated that the stable has been used for commercial boarding of up to twelve horses for many years and that prior to 1962 there existed two other stables that boarded ponies as well.

Prior to 1985, and at least as long ago as 1972, commercial stables were allowed as a matter of right in the RR zoning district on parcels of 20 or more acres (this parcel is only 16 acres). Prior to 1972, it appears that commercial stables were not identified as a listed use. Since 1985, commercial stables have been allowed by Special Use Permit in the RR district, and the 20-acre minimum parcel size requirement was eliminated. Throughout all this time, horsekeeping in association with the residential use of the property (i.e. for recreational purposes) would have been permitted, as it is today. However, since there are no records indicating that a commercial stable business was ever legally established, the stables cannot be considered a non-conforming use. Accordingly, the Planning Division advised the applicant to apply for a Special Use Permit after the zoning violation had been issued.

2. The existing seven-stall stable is located toward the eastern and southern portion of the property, adjacent to a forested area. A fenced pasture area on the western side of the property connects to a gated forested area with various horse trails. The fenced pasture area also includes land at the front of the property that runs along the side and front property lines to the west of the principal residence. Additional structures on the property include a smoke shed, chicken/quail coop, two-car garage, two additional stables, three storage sheds, and a garage with two legally existing non-conforming accessory apartments on the second story. The prevailing land use pattern of the surrounding area is single family residential. This particular parcel is surrounded by a subdivision (Tabb Terrace to the west) and a future 29-lot subdivision (Victory Estates) to the east.
3. The Comprehensive Plan designates this area for Low-Density Residential development. Victory Boulevard (Route 171) serves as the dividing line between low and high-density residential development. The applicant's property is located north of this dividing line in the lower density area. High-density development is discouraged in this area as a result of possible water quality impacts, the areas within the 100-year floodplain, existing wetlands, poorly drained soils, and the proximity of

the Poquoson River. The subject property, however, is not in the 100-year floodplain and has minimal areas of wetlands.

4. According to the performance standards for horse keeping and commercial stables in Section 24.1-414 of the Zoning Ordinance, the maximum number of horses permitted for this use is two (2) per usable acre of land. The total amount of acreage that is currently being used for the boarding and keeping of horses is roughly 14 acres, including the gated pasture and the forested area to the southern end of the property.

Also listed in the standards is a provision stating that “stables, pastures, or animal yards shall not be utilized for the keeping of horses in any manner that is detrimental to the use of adjacent property or that, because of odor, noise or attraction of flies or other pests, reduces or otherwise unreasonable restricts the rights of adjacent property owners to enjoy the use of their property.” Upon visiting the site, none of these problems were observed, and the seven-stall stable appears to be in good condition to provide adequate shelter for the animals. The Zoning Ordinance does not require buffers for commercial stables but does require the owner to provide the County with a soil conservation and management plan prepared by the Colonial Soil and Water Conservation District prior to the permit being issued.

5. The Zoning Ordinance does not address parking for commercial stables. Based on research of parking requirements established in other jurisdictions, it is recommended that a minimum of four (4) parking spaces be provided to serve the commercial stables. The property has a horseshoe-shaped gravel driveway measuring approximately 270 feet in length, with an additional 100-foot gravel drive/parking area leading to the garage and ending at the pasture gate. The existing driveways and parking area are adequate to satisfy the parking demands for this use. In addition, traffic generated by a stable of this size will not be significant and would, in fact, be much less than the 130 trips per day that the property would generate if it were to instead be subdivided for single homes.
6. At the Planning Commission meeting a question was raised by Mr. Ptasznik as to whether or not the applicant can stable his own horses on the property in addition to the proposed seven commercially-boarded horses. While the residential accessory use provisions of the Zoning Ordinance would allow horsekeeping for the personal use of the property occupant, the existing stable contains only seven (7) stalls. Given that, and the fact that part of the acreage is forested, staff believes that the maximum number of horses accommodated on the property (whether commercial or recreational) should be seven. Accordingly, the condition in the proposed resolution regarding the number of horses to be commercially boarded on the property has been revised to clarify that the maximum number of horses allowed on the property is seven (7), *whether they are owned by the applicant or by others*.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on July 9, 2003 and, subsequent to conducting a public hearing at which one person spoke other than the applicant, voted 7:0 to recommend approval subject to the proposed conditions reported in the attached Planning Commission minutes.

COUNTY ADMINISTRATOR RECOMMENDATION

The proposed commercial stable is a low intensity use and a horsekeeping operation has reportedly been conducted on this site for many years and in a residential setting without having any adverse impacts on neighboring development. I do not believe that the “commercialization” of this activity will produce any noticeable changes in the operation or any adverse impacts on the surrounding area, subject to conformance with the recommended conditions (including the additional clarification proposed by staff). In addition, this application is consistent with the Comprehensive Plan’s vision that land use “should contribute to the perception of a rural character.” Therefore, I recommend the Board approve this application subject to the conditions contained in proposed Resolution No. R03-130.

Carter/3337:MH
Attachments

Attachments

- Excerpts from Planning Commission minutes, July 9, 2003
- Zoning Map
- Vicinity Map
- Applicant’s Letter
- Sketch Plan
- County Code Sections 4-19, 4-21 & 24.1-414
- Proposed Resolution No. R03-130